

Town Board Minutes

**Meeting
No. 32**

Regular Meeting

October 2, 2006

Town Board Minutes

October 2, 2006

Meeting No. 32

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 2nd day of October 2006 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
LEONARD CAMPISANO, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA, to deliberate in Executive Session for the announced purpose of discussing the Fire Department contract and a personnel matter in the Highway Department, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 9:26 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- 2007 Budget
- Traffic Study

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matters:

- restrooms in the Town Hall basement
- ditches in Rollingwood Drive, Sagebrush Lane and William Street area

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Pleasant Meadows Subdivision III
- Special Use Permit for 5454 Genesee Street
- Town owned building at 3949 Walden Avenue
- Halloween
- Town Cemetery

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- water district improvements on Transit Road

Salvateri, Diane, 289 Stony Road, spoke to the Town Board on the following matter:

- north /south corridor

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held September 18, 2006 and the Regular Meeting of the Town Board held September 18, 2006 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	ABSTAINED
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated
September 19, 2006 has requested the addition of a member to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms
the addition to the membership of the Town Line Volunteer Fire Department the following
individual:

ADDITION:

Juan Raul Rivera
102 Bradley Street
Buffalo, New York 14213

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUT	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has recommended to the
Town Board the reappointment of Joyce Molino as a member of the Town of Lancaster
Assessment Review Board.

NOW, THEREFORE, BE IT

RESOLVED, that Joyce Molino, 25 Old Schoolhouse Road, Lancaster, New
York 14086, be and is hereby appointed a member of the Town of Lancaster Assessment Review
Board for the term of October 1, 2006 to September 30, 2011.

The question of the adoption of the following resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster, in cooperation with the Village of Lancaster and the Village of Depew, is interested in pursuing shared services for the benefit of taxpayers, and

WHEREAS, the Town of Lancaster provides dog control services to the Village of Lancaster and the Village of Depew, and

WHEREAS, the existing dog control facilities are in need of expansion to accommodate the increasing need for existing services and the expansion of services to include a formal adoption program, and

WHEREAS, grant monies are available through the New York State Department of State, Shared Municipal Services Incentive Award Program to support such joint ventures, and

WHEREAS, the Town and co-applicants request a maximum of \$325,000 toward the cost of a new Animal Rescue Center, and

WHEREAS, the Town of Lancaster will commit a ten percent cash match, in an amount not to exceed \$32,500 which will be available from the Town's 2007 general budget;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster will serve as the lead agency for the purpose of submitting a grant application to the New York State Department of State and, upon award of such grant, serve as the agency responsible for the administration of the grant program, and

BE IT FURTHER

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized to prepare and submit said application for funding, and

BE IT FURTHER

RESOLVED, that the Supervisor, Robert H. Giza be and hereby is authorized and directed to submit an application to the Shared Municipal Services Incentive Grant Program for the 2006-2007 Program Year and to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

File: rdogcontrolservices1006

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Pleasant Meadows LLC, 2730 Transit Road, West Seneca, New York 14224 has heretofore applied for approval of a 9 lot single family residential development to be known as "The Woodlands at Pleasant Meadows Subdivision" located on the north side of Walden Avenue, south of Pleasant View Drive between Central Avenue and Stony Road in the Town of Lancaster, and

WHEREAS, the Planning Board and Town Engineer have given their approval to the filing of this Subdivision, and

WHEREAS, the Town acting as lead agency has completed an environmental review in conformance with SEQR (State Environmental Quality Review) regulations, and

WHEREAS, the Town Board of the Town of Lancaster has duly reviewed and considered the proposed subdivision;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the proposed 9 lot single family residential development final plat as prepared by Greenman-Pedersen, Inc. Consulting Engineers dated September 11, 2006 and filed with the Town Clerk on September 14, 2006 for the development to be known as "The Woodlands at Pleasant Meadows Subdivision" for filing in the Erie County Clerk's office upon the following conditions:

a) The developer shall immediately provide notice to the Erie County Sewer District No. 4 and Erie County Water Authority regarding the destruction of an existing house.

b) All sublots fronting on Pleasant View Drive shall have driveway turnarounds installed as a part of the building permit in the nature of a T-turnaround.

2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK. TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster has
recommended to the Town Board that Tuesday, October 31, 2006 between the hours of 6:00
P.M. and 8:30 P.M. be set for the observance of Halloween "Trick or Treat" within the Town of
Lancaster.

WHEREAS, the Lancaster Village Board has also designated this date and
time for observance within the Village limits.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, hereby
declares Tuesday, October 31, 2006, between the hours of 6:00 P.M. and 8:30 P.M., as the
official period during which Halloween "Trick or Treat" activities may be observed within the
Town of Lancaster.

The question of the adoption of the following resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

File: RPR (PI)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, Alrand Development, Inc., 300 International Drive, Williamsville, New York, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Larkspur East Patio Homes Subdivision, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No.622 of Alrand Development, Inc., 300 International Drive, Williamsville, New York, for the installation of:

P.I.P. No. 622
(Street Lights)

Installation of (2) Poles - Site Lighting on Primrose Lane in the Larkspur East Patio Home Development

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

File RPIP (P3)

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO. TO WIT:

WHEREAS, the Town Board, on behalf of all the Special Districts and Special Improvement Districts, upon which the cost of maintenance is required by law to be apportioned and assessed in proportion to the amount of the benefits conferred, has duly prepared detailed estimates in writing of the anticipated revenues and expenditures for such districts to determine the amount of money required to meet the expense of maintaining same, and

WHEREAS, the Town Board has assessed the amount of said estimates on several lots against which the expense of the improvement was charged in proportion to the amount of benefit conferred, and

WHEREAS, Assessment Rolls were duly prepared according to law and said assessment rolls were duly filed in the Office of the Town Clerk.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That a Public Hearing is hereby called and shall be held on the 16th day of October 2006, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, at which time and place this Town Board will meet to consider the aforementioned Special Districts Budget for the Year 2007, and to hear all persons interested in the subject matter thereof, and concerning the same, and

2. That a Legal Notice of said Public Hearing be published in the Lancaster Bee on October 5, 2006, which Notice shall be in the form attached hereto and made a part hereof and which date of publication is not less than ten (10) nor more than twenty (20) days prior to the public hearing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE OF PUBLIC HEARING
UPON THE 2007 SPECIAL DISTRICTS BUDGET**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lancaster, New York, has completed its estimates and assessment roll relating to Special Districts, spreading costs on a benefit basis, and has filed same with the Town Clerk for the following districts for the year 2007:

Consolidated Water District

Sanitary Sewer District Number 1 - Glendale and Parkdale

Sanitary Sewer District Number 2

Sanitary Sewer District Extension Numbers 1, 2, 3 and 4 to Sanitary Sewer District Number 2

Sanitary Sewer Lateral Districts Numbers 1 and 2, and Meadow Lea Estates, Lancaster Heights, Markey Avenue, South Broczel, Ronald Drive, Charlton Place and Botimer Place, within Sanitary Sewer District Number 2

Consolidated Lighting District Number 1

Fire Protection District

Refuse and Garbage District

and,

FURTHER NOTICE IS GIVEN, that a Public Hearing on such estimates and Assessment Roll will be held on October 16, 2006, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, at which time and place the Town Board will meet to hear and consider any persons interested in the subject matter thereof.

**BY ORDER OF THE: TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: JOHANNA M. COLEMAN, Town Clerk

October 2, 2006

File: RBUDGETS (P5-6)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, Robert H. Giza, Budget Officer of the Town of Lancaster, on September 29, 2006, duly filed the Tentative Budget of said Town for the fiscal year beginning January 1, 2007, with the Town Clerk of said town.

NOW, THEREFORE, BE IT

RESOLVED, that the said Tentative Budget is hereby approved and shall become the Preliminary Budget of the Town of Lancaster for the fiscal year beginning January 1, 2007, and

BE IT FURTHER

RESOLVED, that said Preliminary Budget shall be filed in the Office of the Town Clerk of the Town of Lancaster and be made available by her to the public for inspection during the regular business hours of the Town Clerk's Office, and

BE IT FURTHER

RESOLVED, that a Public Hearing on the Preliminary Budget of the Town of Lancaster for the year 2007, be held by this Town Board at the Town Hall, 21 Central Avenue, Lancaster, New York on the 16th day of October 2006, at 8:35 o'clock P.M., Local Time, and

BE IT FURTHER

RESOLVED, that a Legal Notice of said Public Hearing upon the 2006 Preliminary Budget, as required by Section 108 of the Town Law of the State of New York, be published in the Lancaster Bee, on October 5, 2006 which Notice shall be in the form attached hereto and made a part hereof and which date of publication is not less than five (5) days prior to the public hearing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE OF PUBLIC HEARING
ON THE 2007 PRELIMINARY BUDGET**

NOTICE IS HEREBY GIVEN, that the Preliminary Budget of the Town of Lancaster, for the fiscal year beginning January 1, 2007, has been filed in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, where it is available for inspection by any interested persons during office hours.

FURTHER NOTICE IS GIVEN, that the Town Board of the Town of Lancaster will meet and review said Preliminary Budget and hold a Public Hearing thereon at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:35 o'clock P.M., Local Time, on October 16, 2006, and at such hearing, any person may be heard in favor of or against the Preliminary Budget as compiled, or for or against any item or items therein contained.

Pursuant to Section 108 of the Town Law, the proposed annual salaries of the following Town Officers are specified as follows:

Supervisor - as Supervisor	\$66,950
- as Budget Officer	\$7,305
Council Member	\$17,407
Council Member	\$17,407
Council Member	\$17,407
Council Member	\$17,407
Town Justice	\$37,670
Town Justice	\$37,670
Town Clerk - as Town Clerk	\$63,986
- as Records Management Officer	\$5,877
- as Registrar of Vital Statistics	\$900
- as Clerk to Zoning Board of Appeals	\$3,051
Superintendent of Highways	\$62,766

**BY ORDER OF THE TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: JOHANNA M. COLEMAN, Town Clerk

October 2, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the General Crew Chief, by letter to the Supervisor, has requested the appointment of regular part-time employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the fall/winter season of 2006-2007.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby rehired to the position of laborer regular part-time in the Town of Lancaster Parks, Recreation and Forestry Department for the fall/winter season of 2006/2007, with no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part-time employees and that these appointments shall be retroactive to September 4, 2006.

<u>NAME</u>	<u>RATE</u>
Timothy Kennuth 36 Lakeside Crescent, Lancaster	\$9.50 per hour
Shawn Zaffram 28 Tanglewood Drive, Lancaster	\$9.50 per hour

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has been notified by Terrence McCracken, General Crew Chief of the Department of Parks, Recreation and Forestry that New York State grant funds are available for the purchase of trees and the planting thereof by municipalities, and

WHEREAS, the Town Board after due review and consideration deems it in the public interest to authorize the Supervisor to file an application for 50% matching funds from New York State Department of Environmental Conservation for the Town of Lancaster Tree Planting Program for the Year 2007;

NOW, THEREFORE, BE IT

RESOLVED, that Robert H. Giza as Supervisor of the Town of Lancaster is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed \$7,500 and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to this municipality for the Town of Lancaster 2007 Tree Planting Program.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

File: treeplantingprogram1006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster issued a Special Use Permit on November 3, 2003 to Joseph Brainard for an automobile sales business, (Braico Enterprises) for property located at 5454 Genesee Street, Lancaster, New York, and

WHEREAS, the Town Board also issued a Special Use Permit on April 4, 2005 to Joseph Brainard for a collision shop, (Star Collision) for property located at 5454 Genesee Street, Lancaster, New York, and

WHEREAS, it has come to the attention of the Town Board through the Code Enforcement Officer at the Building Inspector's Office that Mr. Brainard has failed to comply with the conditions of the Special Use Permits and is further in violation of several sections of the Town Code, and

WHEREAS, the Town Board deems it in the public interest after review of this matter to cause the revocation of these Special Use Permits;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby revokes the Special Use Permits issued to Mr. Joseph Brainard, one dated November 3, 2003 for an automobile sales business (Braico Enterprises) and one dated April 4, 2005 for a collision shop (Star Collision) both located on property at 5454 Genesee Street, Lancaster, New York and further directs the Code Enforcement Officer/Building Inspector to prosecute all Town Code violations discovered at 5454 Genesee Street, Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

File rbrainardjosephrevokespecialusepermit1006

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed the Garbage, Rubbish and Refuse Ordinance of the Code of the Town of Lancaster and has determined it to be in the public interest to amend Chapter 25, "Garbage, Rubbish and Refuse", of the Code of the Town of Lancaster, by adding Article IV, "Garbage Containers" in its entirety to the Code of the Town of Lancaster which shall read as follows:

CHAPTER 25
GARBAGE, RUBBISH AND REFUSE
ARTICLE IV
Garbage Containers

§ 25-19. Title.

This proposed local law shall be known as "Garbage Containers."

§ 25-20. Purpose.

This local law is enacted to insure the public health, safety and welfare by insuring that all garbage containers other than recyclables shall be properly secured on all premises and shall be placed at the curb for pickup with the lid secure so that there is no open container which may attract rodents and other vermin.

§ 25-21. Definitions.

CONTAINER - a plastic, rubber, metal or composite receptacle for the holding of material

GARBAGE - all putrescible and non-putrescible materials; including liquids and semi-solids, but not including yard waste such as lawn clippings, leaves, garden waste and brush

§25-22. Requirements of Closed Containers.

- A. Each resident shall be responsible for causing all garbage to be placed in a plastic bag and then contained in a secure container, either plastic, rubber, metal or composite, which has a top or lid which fits tightly on the container to secure the contents.
- B. Residents shall secure all garbage containers while on their private property, either within a structure or out of doors.
- C. All garbage containers shall be secured with a top or lid for the container when such garbage is placed at the curb.

- D. There shall be no garbage placed at the curb for pick up by the collector which is outside of a closed container.
- E. That the collector under contract with the Town of Lancaster shall not make a collection at any residence which places garbage at the curb for pick up which is in other than a closed container as described herein.
- F. It shall be a violation of this ordinance:
- (1) To place bags or open containers of any kind or nature filled with garbage at the curb for pickup, and
- (2) To place any open container of any kind containing garbage at the curb for pick up.
- G. That a violation of this ordinance shall be punishable by a fine of \$50 for the first violation, \$75 for the second violation and \$100 for the third violation.

§25-23. When effective.

This local law shall take effect after mailing, filing and publication as required by law.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a Public Hearing on a proposed amendment to Chapter 25, "Garbage, Rubbish and Refuse", of the Code of the Town of Lancaster, County of Erie and State of New York will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 16th day of October, 2006, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that Notice of the time and place of such hearing be published on or before the 5th of October, 2006, in the Lancaster Bee, the official newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

File: ramendmentgarbageandrefuse906

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 2nd day of October, 2006, the said Town Board will hold a Public Hearing on the 16th day of October, 2006 at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to Chapter 25 "Garbage Rubbish and Refuse" by adding Article IV, "Garbage Containers" in its entirety to the Code of the Town of Lancaster:

CHAPTER 25

GARBAGE, RUBBISH AND REFUSE

ARTICLE IV

Garbage Containers

§ 25-19.

Title.

This proposed local law shall be known as "Garbage Containers."

§ 25-20.

Purpose.

This local law is enacted to insure the public health, safety and welfare by insuring that all garbage containers other than recyclables shall be properly secured on all premises and shall be placed at the curb for pickup with the lid secure so that there is no open container which may attract rodents and other vermin.

§ 25-21.

Definitions.

CONTAINER - a plastic, rubber, metal or composite receptacle for the holding of material

GARBAGE - all putrescible and non-putrescible materials, including liquids and semi-solids, but not including yard waste such as lawn clippings, leaves, garden waste and brush

§ 25-22.

Requirements of Closed Containers.

- A. Each resident shall be responsible for causing all garbage to be placed in a plastic bag and then contained in a secure container, either plastic, rubber, metal or composite which has a top or lid which fits tightly on the container to secure the contents.

- B. Residents shall secure all garbage containers while on their private property, either within a structure or out of doors.
- C. All garbage containers shall be secured with a top or lid for the container when such garbage is placed at the curb.
- D. There shall be no garbage placed at the curb for pick up by the collector which is outside of a closed container.
- E. That the collector under contract with the Town of Lancaster shall not make a collection at any residence which places garbage at the curb for pick up which is in other than a closed container as described herein.
- F. It shall be a violation of this ordinance:
 - (1) To place bags or open containers of any kind or nature filled with garbage at the curb for pickup, and
 - (2) To place any open container of any kind containing garbage at the curb for pick up.
- G. That a violation of this ordinance shall be punishable by a fine of \$50 for the first violation, \$75 for the second violation and \$100 for the third violation.

§25-23.

When effective.

This local law shall take effect after mailing, filing and publication as required by law.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

October 2, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

**ORDER CALLING PUBLIC HEARING
HEARING TO BE HELD ON
OCTOBER 16, 2006**

WHEREAS, the Town Board of the Town of Lancaster (herein called "Town Board" and "Town" respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Lancaster Consolidated Water District (the "District"), and has directed Wm. Schutt & Associates, P.C., a professional engineering firm licensed in New York, to prepare a map, plan and report for the District water system improvements, including, the construction of approximately 3,000 linear feet to 8 and 12-inch Town owned water main along the east right-of-way of Transit Road between Wehrle Drive and Freeman Road, all of the foregoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto, (the "District Improvement"); and pursuant to the direction of the Town the Engineer has completed and filed with the Town Board such map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be a maximum amount of \$750,000; said cost to be financed by the issuance of serial bonds of the Town in the amount of \$750,000, offset by any federal, state, county and/or local grants received.

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Lancaster will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on October 16, 2006 at 8:45 P.M. o'clock P.M. (prevailing time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and

BE IT FURTHER

ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing

The adoption of the foregoing Order Calling for Public Hearing was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STERN	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Order Calling for Public Hearing was declared adopted.

October 2, 2006

**LEGAL NOTICE
ORDER CALLING PUBLIC
HEARING TO BE HELD ON
OCTOBER 16, 2006**

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Lancaster will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on October 16, 2006 at 8:45 p.m. o'clock P.M. (prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and

BE IT

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing

DATED: OCTOBER 2, 2006

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 4535 to Claim No. 4732 Inclusive
Total amount hereby authorized to be paid: \$347,806.20

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

File. Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

14175	Santoro Signs Inc	4891 Transit Rd	Er. Sign	
14176	Santoro Signs Inc	4891 Transit Rd	Er. Sign-Wall	
14178	Forbes-Capretto Homes	49 Sawgrass Ln	Er. Dwlg.-Sin.	
14179	Duro-Shed Inc	127 Norris Ave	Er. Shed	(V/L)
14180 SW	Alliance Homes	6320 Genesee St	Er. Dwlg.-Sin.	
14181	Stanley, James	313 Peppermint Rd	Er. Deck	
14182	Symons, Robert	1190 Ransom Rd	Er. Garage	
14183	Wojciechowski, Jerry	68 Sixth Ave	Er. Res. Add.	(V/L)
14184	Marzec Construction	35 Hill Valley Dr	Er. Res. Add.	
14185	Custom Patio Rooms	1 Rue Madeleine Way	Er. Res. Add.	
14186	Ryan Homes	23 St Anthony St	Er. Dwlg.-Sin.	
14187	Preston, Diane	66 Irwinwood Rd	Er. Fence	(V/L)
14188	Wilcox Bros Sign Co	60 Central Ave	Er. Sign	(V/L)
14189	Wilcox Bros Sign Co	60 Central Ave	Er. Sign-Wall	(V/L)
14190	Wilcox Bros Sign Co	3825 Walden Ave	Er. Sign	(V/L)
14191	North Forest Dev.	2805 Wehrle Dr	Er. Sign-Wall	
14192	Konwiczka, James	50 Irwinwood Rd	Er. Res. Alt.	(V/L)
14193	City Fence Inc	286 Enchanted Forest	Er. Fence	
14194	Rogers, Robert	318 Broezel Ave	Er. Fence	
14195	Moeller Builders	57 Sawyer Ave	Er. Garage	(V/L)
14196	Lasky, George	15 Ann Marie Dr	Er. Shed	
14197	B-Dry Systems Inc	833 Ransom Rd	Repl. Wall	
14198	Marrano/Marc Equity	30 Red Clover Ln	Er. Dwlg.-Sin.	
14199	Marrano/Marc Equity	13 Red Clover Ln	Er. Dwlg.-Sin.	
14200	VIVC LLC	70 Sheldon Ave	Inst. Tank	(V/L)
14201	Sun Enterprises Inc	25 Maple Dr	Er. Shed	
14202	Clark, Thomas	45 Parkdale Dr	Er. Fence	
14203	Scotland, James	19 Villa Pl	Er. Res. Add.	(V/L)
14204	Denny, Barb	25 Lake Ave	Er. Shed	(V/L)
14205	Marrano/Marc Equity	32 Chicory Ln	Er. Dwlg.-Sin.	
14206	Garland, T	5679 Broadway	Er. Sign-Temp	
14207	Werelus, Michael	431 Ransom Rd	Er. Shed	
14208	Marino, Vincent	5600 Broadway	Er. Misc. Structure	(V/L)
14209	Expert Fence Co	38 Pardee Ave	Er. Fence	(V/L)
14210	Garland Graphics	5476 Broadway	Er. Sign-Wall	(V/L)

14211	Clark, Thomas	45 Parkdale Dr	Er. Fence	
14212	Glamour Pools	7 Chestnut Corner	Er. Fence	
14213	Glamour Pools	7 Chestnut Corner	Er. Pool-In Grnd	
14214	B & B Fence Co	29 St Anthony St	Er. Fence	
14215	Premier Fence	6513 Broadway	Er. Fence	
14216	Superior Painting	183 Schwartz Rd	Er. Res. Add.	
14217	Marino, Vincent	5600 Broadway	Er. Sign	(V/I.)
14218	Swimco Mfg	33 Apple Blossom Blvd	Er. Fence	
14219	Swimco Mfg	33 Apple Blossom Blvd	Er. Pool-In Grnd	
14220	Duro-Shed Inc	45 Michael's Walk	Er. Shed	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 2, 2006

File: Rbldg2

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Amatura, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, there existed in the County the need for emergency services, and more specifically, the fire service First Responders to be trained in the latest methods and techniques of firefighting, hazardous materials control and a variety of potential incidents, and

WHEREAS, the Town of Cheektowaga, in an effort to foster such training, had given the County of Erie land in the 1970's to construct a fire training facility for use by all fire departments in Erie County, and

WHEREAS, such a facility was constructed and became known as the Erie County Fire Training Academy at 3359 Broadway consisting of an administrative/classroom building with indoor tower, a smokehouse and an exterior tower for practical training exercises, and

WHEREAS, the County had constructed additional specialized facilities to further the training of First Responders such as an oil pit and flashover simulation building, and

WHEREAS, the facilities over the last 5 - 10 years have suffered from lack of maintenance and deterioration resulting in the First Responders inability to use various portions of the facility and the buildings becoming unsafe and not functioning as originally designed or intended, and

WHEREAS, because of the state of world affairs, the need for usable state-of-the-art fire emergency training facilities is now even more critical to local safety and security, and

WHEREAS, the Cheektowaga Fire Chiefs Mutual Aid Association has brought the deteriorated conditions to the attention of the Lancaster Town Board because of the hazards presented to the firefighters using the facility and the loss of effective training facilities, and

WHEREAS, the Erie County Fire Advisory Board (the "ECFA Board") has recommended and is seeking funding from the County to repair, and in some cases replace certain structures with state-of-the-art training buildings, and

WHEREAS, the ECFA Board is seeking \$2 million funding in 2007, \$1.5 million in 2008 and \$1.5 million in 2009 from the County of Erie, with said funding being made available irregardless of grants or other funding being made available, and

WHEREAS, this Town Board has always seen the need for disaster preparedness and, specifically, a well trained fire service, and to that end, has supported the fire service throughout the years,

THEREFORE, BE IT

RESOLVED, that the Lancaster Town Board, in the name of public safety, hereby memorializes the Erie County Executive and the Erie County Legislature to provide such funding and undertake the renovation or replacement of these desperately needed facilities and annually budget for their maintenance, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the Erie County Executive, Erie County Legislature, Erie County Fire Training Academy and the Erie County Fire Advisory Board, and the Erie County Fiscal Stability Authority.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

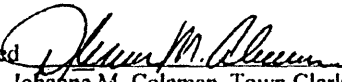
October 2, 2006

COMMUNICATIONS & REPORTS:

515. Town Line Volunteer Fire Dept. to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 10/2/06
516. Roy Schneggenburger to Town Board -
Letter regarding Community Development Grant proposal. DISPOSITION = Received & Filed
517. NYS DEC to Town Board -
Notice of Complete Application regarding Boston Hotel's Steak and Crab House for construction of septic system/sand filter. DISPOSITION = Planning Committee
518. Town Clerk to Ralph Mohr, Dennis Ward, Commissioners Erie County Board of Elections -
Transmittal of expenses incurred by Town for Primary Day, September 12, 2006 to be reimbursed by Board of Elections. DISPOSITION = Received & Filed
519. Village of Lancaster to Town Board -
Revised minutes of meeting held September 11, 2006. DISPOSITION = Received & Filed
520. Town of Cheektowaga to Town Clerk -
Transmittal of adopted resolution memorializing Erie County to provide funds for Erie County Fire Training Academy Building. DISPOSITION = Received & Filed
521. Village of Lancaster to Town Clerk -
Notice designating Tuesday, October 31, 2006 as "Trick n Treat" night within the Village. DISPOSITION = Resolution 10/2/06
522. Erie County Department of Environment & Planning to Supervisor -
Letter regarding Public Outreach Program regarding wastewater treatment. DISPOSITION = Received & Filed
523. Director, Lancaster Senior Center to Supervisor -
Notice of resignation of Louis Muccianccio, Van Driver, effective July 11, 2006. DISPOSITION = Received & Filed
524. NYS DEC to Town Board -
Notice of Complete Application regarding construction of sanitary sewer for proposed Cross Creek Subdivision. DISPOSITION = Planning Committee
525. Donald G. Symer to Town Board -
Letter regarding proposed placement of garbage in covered containers. DISPOSITION = Received & Filed
526. General Crew Chief to Supervisor -
Request to hire seasonal employees. DISPOSITION = Resolution 10/2/06
527. Detective Gerald Oleksy to Supervisor -
Letter of intent to retire in July 2007. DISPOSITION = Received & Filed
528. Detective Daniel E. Rinow to Supervisor -
Letter of intent to retire in 2007. DISPOSITION = Received & Filed
529. Captain Riccardo M. Zuppelli to Supervisor -
Transmittal of results of speed survey on Townline Road. DISPOSITION = Safety Committee
530. Lancaster Central School District to Town Board -
Request permission to conduct motorcade on evening of October 20, 2006. DISPOSITION = Police Department
531. Lancaster New York Historical Society to Supervisor -
Letter regarding estimates for repairs on Historical Museum, 40 Clark Street. DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the meeting was adjourned at 9:26 P.M.

Signed 
Johanna M. Coleman, Town Clerk